

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
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August 25, 1983

ALL-COUNTY LETTER NO. 83-89

TO: ALL COUNTY WELFARE DEPARTMENT DIRECTORS

SUBJECT: CONFIDENTIALITY OF REFUGEE CASE INFORMATION

REFERENCE:

This is to clarify to County Welfare Departments (CWDs), Central Intake Units (CIUs), and DSS-funded service providers, the circumstances under which these agencies are authorized to release confidential information in the administration of federally-aided means-tested assistance programs such as RCA, AFDC and Food Stamps.

Welfare and Institutions Code Section 10850 states that individual applications and records made or kept in connection with public social services programs are confidential and "shall not be open to examination for any purpose not directly connected with the administration of such programs". Thus, in the process of releasing confidential information, the purpose of the disclosure is as critical a determinant in the decision to release as is the identity of the person or organization requesting the information. CWDs, CIUs and DSS-funded service providers are authorized to exchange confidential information only as necessary for the administration of public social services. Following are examples of information releases deemed necessary for the administration of said programs.

INFORMATION CWDs MAY SHARE WITH CIUs: Any information necessary for the CIU to complete the counseling interview requirements of the sanctioning process, including refugee's current address and phone number, and verification that a nonmandated refugee is on public assistance (necessary to establish priority groups for services).

CWDs may also disclose confidential information to CIUs when the information is necessary for the CIU to make appropriate employment and training referrals. When "good cause" has been found by the county for failure to cooperate or participate in employment or training or for refusal to accept an offer of employment, both the outcome and the basis can be communicated to the CIU

when the basis is specific to the particular refugee. This is necessary for the CIU to avoid making a similar inappropriate referral.

A refugee specific basis for a good cause determination includes the following:

- employment or training in excess of the refugee's mental or physical capacity (MPP Section 69-208.63d);
- refugee is presently working in a bona fide employment more than twenty hours a week (MPP Section 69-208.63h);
- refugee has a definite offer of full-time employment or recall to full-time employment (MPP Section 69-208.63 i, j);
- refugee has a physical or mental incapacity which prevents participation in the employment or training (MPP Section 69-208.63k);
- refugee is ill or is required to care for an ill member of the FBU (MPP Section 69-208.63l);
- child-care arrangements not possible (MPP Section 69-208.63m);
- transportation not available (MPP Section 69-208.63n);
- employment/training site too remote (MPP Section 69-208.63o);
- refugee would be required to work for an employer contrary to the conditions of the refugee's union (MPP Section 69-208.63b).

When the basis for finding good cause is related to an employment or training site and is thus generally applicable to all refugees, the CWD should communicate this information to the CIU. However, disclosure of this basis for good cause shall be made without reference to a particular refugee or group of refugees. This will provide the CIU with adequate notice that additional referrals should not be made to the affected employment or training site unless the disqualifying conditions have been remedied.

A generally applicable basis for "good cause" determination includes:

- training or employment available due to a bona fide strike or lockout (MPP Section 69-208.63a);
- the site violates health and safety laws and regulations, applicable sections of the Unemployment Insurance and Labor Codes, federal and state minimum wage laws or civil rights laws (MPP Section 69-208.63 c, e, f, p);
- the daily or weekly hours of work exceed those customary to the refugee's occupation (MPP Section 69-208.63g).

INFORMATION CIUs AND DSS-FUNDED SERVICE PROVIDERS MAY SHARE WITH THE CWD:
Any information necessary for the CWD to establish eligibility for services, to document registration and participation in the employment/training programs, and to determine good cause for failure to meet registration, employment or training requirements.

INFORMATION CIUs MAY SHARE WITH DSS-FUNDED SERVICE PROVIDERS (English/Employment/Training): Any information necessary for the providers to evaluate the need for services, make appropriate referrals and placements, and remove barriers to training and/or employment.

INFORMATION CWDs, CIUs AND DSS-FUNDED SERVICE PROVIDERS MAY SHARE WITH DSS-FUNDED HEALTH ACCESSING, MENTAL HEALTH, AND SOCIAL ADJUSTMENT SERVICES PROVIDERS: Any information, with the consent of the refugee, necessary to make an appropriate and successful referral. Such information may include the refugee's name, address, and/or telephone number.

OTHER REQUESTS FOR INFORMATION

CWDs, CIUs and DSS-funded service providers may receive requests from VOLAGs or other interested parties for confidential information. Access to information maintained by these agencies may only be obtained via two methods:

1. A written consent form, signed by the refugee. This consent allows the requesting person or organization access to particular confidential information. However, this consent is limited to the specific inquiry.
2. Any person or organization designated as a refugee's Authorized Representative (AR) may have access to confidential information for the purpose of acting as the AR. To become the AR, the person or organization must comply with all the requirements outlined in MPP 19-005. CWDs, CIUs, and/or DSS-funded service providers may disclose confidential information requested by an AR upon verification of said authorization.

If you have any questions, or encounter other situations where a request for confidential information is made, please contact your CWD Operations Consultant at (916) 322-3141 or (415) 557-8588, as appropriate.


JOHN J. CATSHA
Chief Deputy Director

cc: CWDA
ORR - Region IX